

fact, indemnify these individuals, then we are taking taxpayers' dollars to condone and, in effect, indirectly approve of such conduct. I don't think \$750 paid by each of these men is too substantial a penalty for them to pay. As a matter of fact, they have already paid it. The question is now whether the state has to indemnify them for it. It's been before the committee two years. Last year, when it came before the committee with Senator Coordsen's vote these men were not indemnified. This year it comes before us again and I think the decision should be the same. We should not indemnify them for that type of conduct. They may have changed. I trust that it has had an effect upon them. They made...

PRESIDENT: One minute.

SENATOR McFARLAND: ...a mistake. I appreciate the fact that sometimes people say things that they regret later. I have said things I regret later. But the fact of the matter is that promotion decisions should not be based upon sex or gender. You should base them upon the qualifications of the individual applying. Barbara Shaw merely asked that. She was denied a job which should have been legitimately hers had it not been for the attitudes of these men. They have paid their money. They have made a mistake, then let them live with it. That sends a message to the other employees that they will be held to the same kind of standards and if they make a mistake, they will have to pay too if they intentionally discriminate against people. It seems to me that is the approach that the state should take, that should be our policy and I don't think we should indemnify people and give tacit approval to that type of conduct.

SPEAKER BARRETT: Thank you. Senator Hall, followed by Senator Coordsen, Senator Schmit.

SENATOR HALL: Thank you, Mr. President, and members, I reluctantly rise in opposition to Senator Coordsen's amendment because I understand the position that he feels he is in. But I was the Chairman of the Business and Labor Committee the year that this claim came before the committee. We discussed it in length, spent clearly as much time in committee, if not more, than we have on this issue on the floor and debated it fully by the entire body when the claims bill at that time, LB 1235, I think it was, was in front of the body. What we did is we decided to indemnify these employees and we did indemnify them.